

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COLEMAN DUPONT HOMSEY and)	
ELLEN HOMSEY,)	
)	
Plaintiffs,)	
)	C.A. No. 07-338JJF
v.)	
)	
VIGILANT INSURANCE COMPANY,)	
)	
Defendant.)	

**HOMSEY PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT ON THE NUMBER OF LOSSES AND THEFTS**

Plaintiffs Coleman DuPont Homsey and Ellen Homsey respectfully move, pursuant to Federal Rule of Civil Procedure 56, for summary judgment to this effect: that Vigilant's contractual promise of "Credit cards, forgery, and counterfeiting" coverage requires it to pay up to \$10,000 for each theft of a credit card or card number, and each forged check. The grounds for this motion are set forth in the accompanying opening brief.

Respectfully submitted,

/s/ John S. Spadaro
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December 5, 2007

Attorney for plaintiffs Coleman
DuPont Homsey and Ellen Homsey

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Denise Seastone Kraft
Edwards Angell Palmer & Dodge LLP
919 North Market Street
Wilmington, DE 19801

In addition, I certify that the document itself was served by U.S. Mail at the address shown.

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